

8-16-01

A

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I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "Express Mail Post Office to Addressee" service of the United States Postal Services (Express Mail Label No. EL 841 307 469 US) on the date shown below in an envelope addressed to the Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Dated: August 14, 2001

By:

Patricia Muñoz

jc882 U.S. PTO



08/14/01

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE REQUEST FOR FILING NATIONAL PATENT APPLICATION

Under 35 USC 111(a) and Rule 53(b)

PATENT APPLICATION

Hon. Commissioner of Patents  
Washington, D.C. 20231

WITH SIGNED DECLARATION

NONPROVISIONAL  
NON REISSUE  
NON PCT NAT PHASE

Sir:

Herewith is the PATENT APPLICATION of  
Inventor(s): Charles Baker

Title: PRESENCE DETECTION BY SCREEN SAVER METHOD  
AND APPARATUS

Atty. Dkt.: 53403-261767 | LB-006  
M# Client Ref

including:

Date: August 14, 2001

1. Specification: 15 pages (only spec. and claims)
2. ☐ Specification in non-English language
3. Declaration ☒ Original ☐ Facsimile/Copy ☒ Abstract 1 Page(s); 24 numbered claims
4. ☒ Drawings: 6 sheet(s) ☒ informal; ☐ formal of size: ☐ A4 ☐ 11"
5. ☐ See top first page re prior Provisional, National or International application(s). ("X" box only if info is there and do not complete corresponding item 5 or 6). (Prior M# SN )
6. **AMEND the specification** please by inserting before the first line: -- This is a ☐ Continuation-in-Part  
☐ Divisional ☐ Continuation ☐ Substitute Application (MPEP 201.09) of:
- 6(a) ☐ National Appln. No. / filed . (M# )
- 6(b) ☐ International Appln. No. filed  
which designated the U.S., and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English.--
7. ☐ **AMEND the specification** by inserting before the first line: -- This application claims the benefit of U.S. Provisional Application No. 60/ , filed . --
8. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
9. ☐ Prior application is assigned to

by Assignment recorded Reel Frame

10. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in

11. (country)

| Application No. | Filing Date | Application No.   | Filing Date |
|-----------------|-------------|---|-------------|
| (1)             |             | (2)   |             |
| (3)             |             | (4)   |             |
| (5)             |             | (6)   |             |
| (7)             |             | (8)   |             |
| (9)             |             | <input type="checkbox"/> See 3 <sup>rd</sup> page for additional priorities |             |

12. (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date)

in U.S. Application No.                      /filed on                     

13. Small entity status ☐ is **not** claimed; ☒ is claimed (**Pre-filing confirmation required**)  
13(a). ☒ Attached: 1 (No.) Small Entity Statement(s) (since 9/8/00 small entity statement(s) not essential to make claim)  
13(b) ☐ See **NONPUBLICATION REQUEST** under Rule 213(a) attached (PAT-258)

14. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

| Application No. | Filing Date | Application No. | Filing Date |
|-----------------|-------------|-----------------|-------------|
| (1)             |             | (4)             |             |
| (2)             |             | (5)             |             |
| (3)             |             | (6)             |             |

15. ☐ This application is being filed under Rule 53(b)(2) since an inventor is named in the enclosed Declaration who was not named in the prior application.  
16. ☐ Attached:  
17. ☒ Preliminary Amendment:

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

|   |                                    |            |    | Large/Small Entity |              | Fee Code |
|---|------------------------------------|------------|----|--------------------|--------------|----------|
| 18. Basic Filing Fee  |                                    |            |    | \$710/\$355        | \$355        | 101/201  |
| 19. Total Effective Claims  | 24                                 | minus 20 = | *1 | x \$18/\$9 =       | + 36         | 103/203  |
| 20. Independent Claims  | 4                                  | minus 3 =  | *1 | x \$80/\$40 =      | + 40         | 102/202  |
| *If answer is zero or less, enter "0"   |                                    |            |    |                    |              |          |
| 21. If any proper multiple dependent claim (ignore improper) is present, add (Leave this line blank if this is a reissue application) |                                    |            |    | + \$270/\$135      | + 0          | 104/204  |
| 22.   | <b>TOTAL FILING FEE ENCLOSED =</b> |            |    |                    | <b>\$431</b> |          |
| 23. If "non-English" box 2 is X'd, add Rule 17(k) processing fee  |                                    |            |    | + \$130            | + 0          | 139      |
| 24. If "assignment" box 8 is X'd, add recording fee   |                                    |            |    | + \$40             | + 40         | 581      |
| 25. <input type="checkbox"/> Attached is a Petition/Fee under Rule No.  |                                    |            |    | + \$130            | + 0          | 122      |
| 26.   | <b>TOTAL FEE ENCLOSED =</b>        |            |    |                    | <b>\$471</b> |          |

Our Deposit Account No. 03-3975

Our Order No. 53403 | 261767

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP  
Intellectual Property Group**

50 Fremont Street

By Atty: James Y. SzeReg. No. 43,943

San Francisco, CA 94105-2228

Tel: (619) 234-5000

JYS/pm

Sig: 

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NOTE: File in duplicate with post card receipt (PAT-103) &amp; attachments

Inventor(s): Charles Baker  
Appln. No.: / or Patent No.:   
Filed: Herewith or Issued.:   
Title: PRESENCE DETECTION BY SCREEN SAVER METHOD AND APPARATUS

(Atty. Dkt.  
53403-261767/LB-006  
C/M# / Client Ref.

SMALL ENTITY STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) and 1.27 (c)) - **SMALL BUSINESS CONCERN**

I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:  
NAME OF CONCERN LongBoard, Inc.  
ADDRESS OF CONCERN 3121 Jay Street, Santa Clara, CA 95054

**I hereby state** that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

**I hereby state** that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention **entitled:** Presence Detection by Screen Saver Method and Apparatus by inventor(s) Charles Baker described in

- ☒ → ☒ the specification filed herewith,  
**one** → ☐ Application No. 0 /, filed  
**box** → ☐ Patent No. , issued

If the rights held by the above identified small business concern are not exclusive, each small entity individual, concern or organization having rights to the invention is listed in (A) and (B) below and no rights to the invention are held by any person, other than the inventor, who could not qualify under 37 CFR 1.9(c) as an independent inventor if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

(A) **FULL NAME of assignee/licensee/grantee/conveyee\***

**ADDRESS**

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

(B) **FULL NAME of assignee/licensee/grantee/conveyee\***

**ADDRESS**

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

\*NOTE: Separate statement is required from each person, concern or organization named in (A) and (B) above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this case, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Mr. Rich Naslund  
TITLE OF PERSON OTHER THAN OWNER Chief Financial Officer  
ADDRESS OF PERSON SIGNING 3121 Jay Street, Santa Clara, CA 95054

SIGNATURE

DATE

8/13/01